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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,028	02/10/2004	Luis Cavada	074104.0113	9060

23640 7590 01/29/2007  
BAKER BOTTS, LLP  
910 LOUISIANA  
HOUSTON, TX 77002-4995

EXAMINER
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PELHAM, JOSEPH MOORE

ART UNIT	PAPER NUMBER
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3742

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/776,028

Applicant(s)

CAVADA ET AL.

Examiner

Joseph M. Pelham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,6,22-26,29,30,32-36,61,62,64 and 66-133 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,6,22-26,29,30,32-36,61,62,64 and 66-81 is/are allowed.
- 6) ☒ Claim(s) 82-133 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/16/06</u>  | 6) <input type="checkbox"/> Other: _____                          |

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The finality of the rejection of the last Office action is withdrawn, and the amendment filed on 5/22/06 has been entered.

***Claim Rejections - 35 USC § 103***

Claims 82-89, 91-102, 104-115, and 117-120 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. 6670586 in view of US Pat. 3668371 and US Pat. 6348676.

US'586 discloses an oven with opposed first 15A and second 15B quartz IR heaters and reflectors 95 for each. The claims differ from US'586 only in calling for a ceramic coating on the oven wall, and first and second *peak* wavelengths of 1.63 (or 1.65 microns) and 2.11 (or 2.05 microns) respectively. The lamps of US'586 emit IR light inherently comprising a plurality of wavelengths, since only a laser approaches single-wavelength radiant energy.

US'371 discloses, at col. 2, lines 7-15, a ceramic coating on an oven wall, which absorbs and re-radiates incident radiant energy. It would have been obvious to adapt the ceramic coating of US'371 to the oven of US'586 to allow self-cleaning.

US'676 discloses, at Fig. 4 and col. 3, lines 53-60, that it was known at the time of the invention that the IR absorption spectrum depends strictly on the type of food being cooked (absorption is "1 – reflectance"). It would have been obvious to utilize the recited peak wavelengths since the choice depends strictly on the kind of food, and different first and second heater wavelengths are already well known in pizza ovens.

Claims 90, 103, and 116 are rejected under 35 U.S.C. 103(a) as being unpatentable over US'586 in view of US'371 and US'676, as applied to claims 82-120 above, and further in view of US Pat. 6654549.

The claim differs from US'586 in view of US'371 and US'676 only in recited a gold reflective film on the lamp tube. US'549 discloses, at Fig. 14b and col. 25, lines 43-44, a gold reflective film on a quartz lamp tube. It would have been obvious to adapt the gold film of US'549 to the heaters US'586 in view of US'371 and US'676, to improve heating of the food items, since gold has excellent IR reflectivity.

Claims 121-133 are rejected under 35 U.S.C. 103(a) as being unpatentable over US'586 in view of US'371, US'676, and 549, as applied to claims 90, 103, and 116 above, and further in view of US Pat. 4481404.

The claim differs from US'586 in view of US'371, US'676, and 549 only in recited a porcelain coating on the oven wall. US'404 discloses, at col. 1, lines 42-44, a porcelain coating on the oven wall, which absorbs and re-radiates incident radiant energy. It would have been obvious to adapt the porcelain coating of US'404 to the oven of US'586 in view of US'371, US'676, and 549 because it is a conventional alternative to ceramic in self-cleaning ovens.

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***Applicant is urged to review the prior art cited but not applied when replying to this Office action, particularly the disclosure of the need to accommodate incident wavelength to the food item.***

***Allowable Subject Matter***

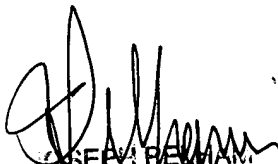
Claims 1, 2, 6, 22-26, 29, 30, 32-36, 61, 62, 64, and 66-81 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph M. Pelham whose telephone number is 571-272-4786. The examiner can normally be reached on M-F 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

1/12/07

  
JOSEPH M. PELHAM  
PRIMARY EXAMINER